

Notice of Allowability

Application No.

09/579,383

Applicant(s)

VINETZ, JOSEPH M.

Examiner

Padmavathi v Baskar

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/3/04.
2. ☒ The allowed claim(s) is/are 4, 2, 6, 7, 3, 5, 10, 11, 12 and have been renumbered as 1-9 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/4/03, 5/26/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
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DETAILED ACTION

Amendment

1. Applicant's amendments filed on 3/29/04 and 6/3/04 are acknowledged.

Status of claims

2. Claims 2, 4, 5, 6, 10 and 12 have been amended.

Claims 1, 8-9 and 13-46 are canceled.

Claims 2-7 and 10-12 are pending.

Claim Rejection - 35 USC 102 moot

3. In view of cancellation of claim 24, the rejection of claim 24 under 35 U.S.C. 102(b) as being clearly anticipated by Boehringer Mannheim Biochemicals (1991 Catalog page 557), Stratagene (1991 Product Catalog, page 66), Gibco BRL (Catalogue & Reference Guide 1992, page 292), Promega (1993/1994 Catalog, pages 90-91) or New England BioLabs (Catalog 1986/1987, pages 60- 62) is moot.

Claim Rejection - 35 USC112, second paragraph

4. In view of cancellation of claim 24, the rejection of claim 24 under 35 U.S.C 112, second paragraph is moot.

Claim Rejections - 35 USC112, first paragraph withdrawn

5. In view of cancellation of claims 1, 8, 9, 23, 24 and 46 and amendment to the claims 2, 6, 10 and 12, the rejection of claims 1-12, 23, 24 and 46 under 35 U.S.C. 112, first paragraph, written Description Rejection and the enablement rejections are withdrawn.

Claim Rejections - 35 USC 102 withdrawn

6. In view of cancellation of claims 1 and 24 and amendment to the claim 2, the rejection of claims 1-2 and 24 under 35 U.S.C. 102(b) as being anticipated by Sim et al 1989(Molecular and Biochemical Parasitology: 34:127-134) is withdrawn.

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7. In view of cancellation of claims 1, 8, 9 and 24 and amendment to the claims 2, 6, 10 and 12, the rejection of claims 1-3, 6-12, and 24 under 35 U.S.C. 102(b) as being anticipated by Vinetz et al 1999(PNAS: 96:14061-14066) is withdrawn.

Remarks

8. Claims 2-7 and 10-12 are free of prior art. The present invention relates to a malarial parasite protein. Claims are drawn to a novel recombinant Plasmodium chitinase nucleic acid molecule as set forth in SEQ.ID.NO: 1 and the encoding protein, SEQ.ID.NO: 3. These claims are neither anticipated nor suggested by any prior art. Plasmodium chitinase is a potential target for blocking transmission from the vertebrate host to the mosquito vector.

9. Claims 4, 2, 6, 7, 3, 5, 10, 11 and 12 are allowed and have been renumbered as 1-9 respectively.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Padma Baskar Ph.D.

6/5/04